

Message Text

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ORIGIN SCCT-01

INFO OCT-01 AF-04 ARA-06 EA-06 EUR-08 NEA-06 RSC-01 ISO-00

IO-04 L-01 A-01 SS-15 CPR-01 PER-01 SY-04 USSS-00

AID-05 CIAE-00 DODE-00 PM-03 H-01 INR-05 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 USIA-06 /089 R

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FM SECSTATE WASHDC

TO AMEMBASSY BERN

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E.O. 11652: GDS, NA

TAGS: PINS

SUBJECT: CONVENTION ON PROTECTION OF DIPLOMATS

REF: STATE 211125, BERN 3842

1. ALTHOUGH UN CONVENTION ON PROTECTION OF DIPLOMATS MAY NOT BE A PERFECT INSTRUMENT, IT DOES ENCOURAGE SIGNATORIES TO FULFILL THEIR INTERNATIONAL OBLIGATIONS TO PROTECT DIPLOMATS. PARA 4 OF UNGA RESOLUTION 3116 DOES EXEMPT "PEOPLES STRUGGLING AGAINST COLONIALISM, ALIEN DOMINATION, FOREIGN OCCUPATION, RACIAL DISCRIMINATION AND APARTHEID," AS INTERPRETED BY EACH STATE PARTY TO THE CONVENTION, FROM THE EFFECTS OF THE CONVENTION. WHILE THIS "RIGHT OF PEOPLES TO SELF-DETERMINATION," INSISTED UPON BY SEVERAL DELEGATIONS, COULD BE ASSERTED BY SOME STATES TO REMOVE THEM FROM THE REQUIREMENTS OF THE CONVENTION, IT DOES DIS-

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COURAGE TENDENCY ON PART OF STATES WITHOUT SHADOW OF

SELF-DETERMINATION CONSIDERATION TO EXPORT CAPTURED AND/OR CONVICTED TERRORISTS WHO THEN REPEAT THEIR EXPLOITS ELSEWHERE. MOREOVER, GOS SIGNATURE OF CONVENTION IS OPPORTUNITY TO TAKE PUBLIC, APPROPRIATE STAND AGAINST TERRORISM.

2. THE PROVISIONS OF PARA 6 REQUIRING THE PUBLICATION OF THE RESOLUTION WITH THE CONVENTION MAY BE INTERPRETED AS BINDING UPON THE UN, NOT INDIVIDUAL STATES.

3. CONVENTION ON PROTECTION OF DIPLOMATS ADOPTED WITHOUT OPPOSITION AT UNGA. CONVENTION WILL ENTER INTO FORCE WITH THE DEPOSIT OF TWENTY-SECOND INSTRUMENT OF RATIFICATION OR ACCESSION WITH THE SECRETARY-GENERAL OF UN. US IMPLEMENTING LEGISLATION IS NOW BEFORE CONGRESS.

4. ALTHOUGH CONVENTION WILL PROBABLY BE IMPLEMENTED IN VARIETY OF WAYS BY DIFFERENT STATES, IN LIGHT OF ABOVE INFORMATION EMBASSY MAY WISH TO AGAIN DISCUSS CONVENTION WITH APPROPRIATE GOS AUTHORITIES TO INFLUENCE THEIR RESERVATIONS. INGERSOLL

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